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AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Kumar A. TYAGI, et al.
Application No. 10/540,956
Filed: March 13, 2006
Attorney Docket No. **4544-051956**

DECISION ON PETITION
UNDER 37 CFR 1.183

This is a decision on the petition, filed on November 23, 2009 and re-submitted December 18, 2009, under 37 CFR 1.183 for suspension of rules, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the patent.

The petition under 37 CFR 1.183 is **DISMISSED**.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner.

Petitioner asserts that the second assignee's name was inadvertently omitted when submitting the Issue fee Transmittal (Form PTOL-85B). Unfortunately, the accidental omission of the assignee is not considered to be an extraordinary situation. Therefore, the requirements of 37 CFR § 3.81 cannot be waived at this time.

The petition under 37 CFR 3.81 (b) is **GRANTED**.

Petitioner requests issuance of a certificate of correction in the name of:

- University of Delhi, New Delhi (IN) **and**
Department of Biotechnology, New Delhi (IN) -

Telephone inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions